



CLOSED CASE SUMMARY

ISSUED DATE: SEPTEMBER 25, 2018

CASE NUMBER: 2018OPA-0312

Allegations of Misconduct & Director’s Findings

Named Employee #1

| Allegation(s): | | Director’s Findings |
|----------------|--|---------------------|
| # 1 | 16.090 - In-Car and Body-Worn Video 5. Employees Recording Police Activity b. When Employees Record Activity | Sustained |

Imposed Discipline

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|-------------------|
| Written Reprimand |
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This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.

EXECUTIVE SUMMARY:

It was alleged that the Named Employee failed to record In-Car Video, in potential violation of policy.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

16.090 - In-Car and Body-Worn Video 5. Employees Recording Police Activity b. When Employees Record Activity

During a review of a use of force, an Administrative Lieutenant could not locate In-Car Video (ICV) recorded by Named Employee #1 (NE#1). NE#1 did record Body Worn Video (BWV) and the BWV indicated that NE#1 responded to a “help the officer” call. The BWV established that NE#1 arrived on scene at 1644 hours and left at 1650 hours. Prior to being notified that no ICV existed for his response to this incident, NE#1 failed to document the absence of video and explain why no video existed, as is required by SPD Policy 16.090-POL-7. Moreover, there is no evidence of, and NE#1 did not report, any technical malfunctions with his ICV on the date in question.

SPD Policy 16.090-POL-5(b) states that officers must record Department video in certain situations. Among those situations include: responses to dispatched calls; arrests and seizures; and questioning witnesses, suspects, and victims. Here, NE#1 self-dispatched to a help the officer call. Moreover, given his role as a sergeant, it was very possible that he would have been required to screen an arrest or interview a witness, suspect, or victim. As such, he was obligated to activate his ICV.

NE#1 contended that he did not do so because it was not safe or practical as he was responding to a “help the officer” call. From a review of the CAD Call Log and the BWV, this does not appear to be supported by the evidence in the record. Notably, NE#1 was the third sergeant who arrived at the scene and, when he got there, the incident was under control. Moreover, the fact that NE#1 was able to timely activate his BWV indicates that he could have done the same with his ICV. Notably, both devices require just the press of a button to activate.



The failure to turn on ICV when required is contrary to policy. Moreover, it is contrary to the expectations of the Department and the community that officers will record their law enforcement activity when appropriate and necessary. Had NE#1 self-reported his failure to activate ICV and explained the reason why in an appropriate report, I would have recommended a Training Referral rather than a Sustained finding. Given that he did not do so here, I recommend that this allegation be Sustained.

Recommended Finding: **Sustained**